



# **Missouri Department of Natural Resources**

## **Water Quality Coordinating Committee Water Pollution Control Program**

### **Meeting Minutes**

**January 21, 2003**

## **WATER QUALITY COORDINATING COMMITTEE**

DNR Conference Complex  
1738 E. Elm  
Bennett Spring Conference Room  
Jefferson City, Missouri

January 21, 2003  
10:00 a.m.

### **MEETING AGENDA**

Peruque Creek Watershed Study, Ron French, Camp, Dresser & McKee, Inc.

USGS Bacterial Contamination Report, Jerri Davis, USGS WRD

CAFO Rule, Royan Teter, US EPA Region VII  
Randy Kixmiller, DNR, WPCSD, WPCP

Clean Water SRF Program Overview, Carrie Schulte, DNR, WPCSD, WPCP

Other

Agency Activities

Meetings & Conferences

# MISSOURI WATER QUALITY COORDINATING COMMITTEE

January 21, 2003

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Bennett Springs Conference Room  
Jefferson City, Missouri

## MINUTES

### Attendees:

Colleen Meredith	DNR/WPSCD/WPCP	Jim Cleminson	EPA, Region VII
Charles Putnam	National Park Service	Royan Teter	EPA, Region VII
Robert Brundage	Mo-Ag/Premium Standard Farm	Jerri Davis	USGS, WRD
Sharon Clifford	DNR/WPSCD/WPCP	Michael Bollinger	Ameren
Anne Peery	DNR/WPSCD/WPCP	Scott Totten	DNR/WPSCD
Gail Wilson	DNR/WPSCD/WPCP	Ken Maki	City of Lake St. Louis
Don Yoest	MO Dept of Agriculture	Ron French	CDM
Terry Timmons	DNR/WPSCD/PDWP	Bob Hentges	MO Public Utilities Alliance
Denise Evans	DNR, Office of Director	R.M. Gaffney	DNR/GSRAD/WRP
Frank McDaniels	DNR/WPSCD/PDWP	Carrie Schulte	DNR/WPSCD/WPCP
Tom Wallace	Midwest Env. Consultants	Priscilla Stotts	DNR/WPSCD/WPCP
Gayle Unruh	MoDOT	Donna Menown	DNR/WPSCD/WPCP
Bill Henry	BASF Corp	John Knudsen	DNR/WPSCD/WPCP
Vicky Kugler	DNR/Env. Assistance Office	Wendi Rogers	UMC – FAPRI
Bob Broz	UMC Univ. Outreach & Ext.	Georganne Bowman	DNR/WPSCD/WPCP
Paul Andre	MO Dept. of Agriculture	Ken Struemp	DNR/WPSCD/SWCP
Bob Ball	USDA, NRCS	Mohsen Dkhili	DNR/WPSCD/WPCP
Jack Dutra	JD Information Services/Syngenta	Randy Kixmiller	DNR/WPSCD/WPCP
Dorris Bender	Independence Water Pollution	Becky Shannon	DNR/WPSCD/WPCP
Cindy Wolken	DNR/WPSCD/WPCP	Darlene Schaben	DNR/WPSCD/WPCP

**Peruque Creek Watershed Study**, Ken Maki, Project Director, City of Lake St. Louis  
Ron French, Camp, Dresser & McKee, Inc.

(PowerPoint Presentation)

Ken began by explaining that the Peruque Creek Watershed was the recipient of a grant for this study through the office of Senator Bond. The study was to determine what kind of water quality problems were in Peruque Creek. Ken displayed an aerial photo showing the Peruque Creek Watershed with Lake Ste. Louise and Lake St. Louis. There are approximately 50 tributaries to Peruque Creek upstream. The approach they adopted was the EPA watershed protection approach. Three stakeholder committees were formed—steering & oversight committee (decision-makers), technical advisory committee (for review & input), and public stakeholder committee. They are trying to identify existing and imminent problems due to development and land use upstream of the lake. Ken mentioned that public involvement is the greatest challenge. Their Guiding Philosophy is to “Protect designated uses in Peruque Creek while fostering appropriate and sustainable development in the watershed. This will be done through development of consistent and cooperative ordinances and actions taken by governing authority in St. Charles and Warren counties.” The next meeting of the combined committees is February 6. Ordinances will be on the agenda.

Ron French said this is an exciting project. Using the EPA’s Watershed Approach, they are focusing on priority problems in the watershed—nutrients from package treatment plants, septic releases, non-volatile suspended solids. They will then work together with stakeholders, come up with solutions to the problem and use best management practices. Their web site is at [www.peruquecreek.com](http://www.peruquecreek.com). The site will show what is going

on with the project and links to other activities within the watershed. The watershed stretches from within Warren County to the confluence of the Mississippi River; approximately 26 miles. Lake St. Louis is right in the middle. Some other issues with the project include sediment, nutrients, pathogens, erosion, runoff of ag areas, wastewater treatment plant discharges, residential construction areas, stormwater drains, runoff from farming practices and feedlots. Ron showed some pictures of good examples of sites using BMPs. The project is scheduled to last 18 months. Project advisory meetings are every month with a special speaker. Phase I included building a project team, put the public stakeholder teams together, building a web page and setting goals. Phase II is the watershed assessment, develop implementation plan, obtain funding, identify problems and ways to solve those. They will also look at different watershed management BMPs. To protect the watershed, they plan to adopt watershed ordinances, enforce the ordinances, educate citizens, capital improvement projects and work together as a community. Phase III will measure the successes and develop long term maintenance and monitoring program to monitor the BMPs for effectiveness. Some of the study accomplishments include a meeting in September with NRCS & MDC, collected additional data, designed a web page, attempted a logo contest, sponsored helicopter flyovers, met with St. Charles County legislative workshop, radio shows, met with Warren County Commissioners, completed the project work plan, conducted 2 site tours with Homebuilders Association and environmental groups (both groups were surprised to see the positive and negative things they were happening), and submitted 2 grant proposals. They would like to do another site tour with regional governmental folks. Ron mentioned several other meetings and presentations that are scheduled. The Stakeholder Advisory Committee meets the first Thursday of every month at the Lake St. Louis Community Building Association. Ron invited anyone interested to attend. There is a Watershed Assessment report due soon. The Midwest Environmental Consultants firm is assisting with gathering data. Ron said data on Peruque Creek is limited. Ken Maki is the project director of this study and can be reached at (636) 625-1200, [kmaki@lakesaintlouis.com](mailto:kmaki@lakesaintlouis.com) or by mail at City of Lake St. Louis, 1000 Lake St. Louis Blvd., Lake St. Louis, MO 63367. Ron French can be reached at (314) 439-5522, [frenchrd@cdm.com](mailto:frenchrd@cdm.com) or by mail at CDM, 12655 Olive Blvd., Suite 385, St. Louis, MO 63141.

Priscilla Stotts mentioned that Gerry Boehm has scheduled a Stream Team Introductory Workshop on February 22 at the Lake St. Louis Community Council, Veterans Room. DNR and MDC will conduct the training.

Becky commented that the proposal Ken mentioned earlier was one of those submitted for the Watershed Initiative. EPA has said those proposal are on hold until funding has been approved by Congress. EPA is trying to get approval for that part of the budget.

**Concentrated Animal Feeding Operation (CAFO) Rule, Royan Teter, US EPA Region VII**  
Randy Kixmiller, DNR, WPCSD, WPCP

(PowerPoint Presentations)

Royan said that Missouri is in good shape relative to the new regulations. The final rule was much simpler than the proposal. Reasons why the rule was revised: to address water quality concerns related to CAFOs; to update the 25-year old regulations; improve CAFO implementation program; changes in technology; and they were under a court order. Some of the goals in changing the regulations was to promote manure management practices, complement USDA efforts; emphasis on large operations; be as consistent as possible with original regulation; clarify issues and make implementation more effective.

Royan gave some of the history of the CAFO rule. Some of the major elements of the rule are if your are a large operation you must apply for an NPDES permit. Dry Poultry operations were included. The provision that allowed the exemption for 25-year 24-hour storm event has been eliminated. Comprehensive Nutrient Management Plans are required by December 2006. States are to set standard procedures for land application requirements.

Effluent guideline requirements—existing large operations need to have in place BMPs in the production areas (stormwater systems, water supplies, adequate storage volume). New operations—design standards has a higher threshold. BMPs—there will be a field specific testing requirement for phosphorus and nitrogen transportation. There are provisions for setbacks and alternative performance standards.

Under the Nutrient Management Plan, there is more emphasis on maintaining adequate storage, diversion of clean water away from production areas, proper chemical handling, and proper conservation practices. An annual report will also be required. There is some flexibility to states. States will have options for implementing permitting—individual permit, general permit, or take the watershed-based approach. It will be the state's responsibility to set the technical standards for nutrient management for making no potential discharge determinations, addressing small operations, and alternative performance standard provisions. More info can be obtained from Royan at EPA or from the CAFO Rule on the web site at [www.epa.gov/npdes/caforule](http://www.epa.gov/npdes/caforule).

Randy discussed Missouri's position on the new rule. He thought the new rule and current rule are fairly similar. The federal CWA defined CAFOs as a point source. Missouri interpreted the rule as meaning facilities need to be permitted. Other states felt that since CAFOs didn't discharge they didn't require a permit unless they discharged. In 1996, House Bill (HB) 1207 gave the CWC the authority to promulgate regulations and to regulate CAFOs. Missouri's CAFO regulations can be found at 10 CSR 20-6.300, which were effective January 30, 1996.

Randy talked about what Missouri is currently doing. Missouri issues permits to CAFOs that are above the 1000 animal unit threshold. Missouri has a no-discharge criteria. Randy explained the no-discharge criteria. In HB 1207, the facility is required to issue a neighbor notice when they decide to construct a new facility. Missouri uses buffer distances. Missouri has setbacks for land application areas. BMPs are required. There are approximately 420 permits in Missouri. In the U.S., there are a little more than 4000 permits. Missouri has a program that allows us to issue Letters of Approval (LOA). Missouri has approximately 2500 LOA.

Randy talked about the differences in rules. The federal rule abandoned animal unit designation, mixed animal calculations, and did not include the veal and duck category. In some cases Missouri's rule was more stringent than the new rule. The nursery swine under 55 pounds category is the only category where the new rule was more stringent. Randy thought there might be approximately 3-4 more permits as a result of the numbers changing. The new rule included a "no potential to discharge" exemption. This allows an operation to submit an application and make the argument that their operation did not have the potential to discharge. This was felt to target arid regions. The rule requires a nutrient management plan. Most Missouri facilities are following most of those aspects. The new rule required nitrogen and phosphorus applications. Missouri only required nitrogen. Most operations will have to go back and look at their phosphorus land application rates. NRCS and UMC have been developing a phosphorus index, which may be available in March. Randy thought this may be what Missouri will use. Setback distances were established to be 100 feet within any stream or waterbody. Some Missouri standards are different. Missouri requires a setback of 300 ft. from wells and 50 ft. from land application areas on intermittent streams. The final rule allowed innovative technology standards for discharge. Missouri doesn't allow discharge. There is a parameter in the final rule to allow multi-media or cross-media analysis. EPA wants to be involved if we allow the alternate discharge limits. There is a new source performance standard for swine, poultry & veal that requires a 100-year 24-hour storm design. This probably won't effect Missouri's operations. Operations may be more affected by the nutrient management plan requirements and redesign their storage areas.

Missouri plans are still being finalized. The final rule should be published in the FR in mid-January – February. Randy said they are working on involvement in outreach efforts. They are attending meetings with University of MO, DNR and MDA as well as local NRCS staff to inform producers of how this new rule will affect them. Randy handed out copies of the *2003 Commercial Agriculture, Special Issue*. Implementation will be based on the date of publication of the rule in the Federal Register. The effective date is 60 days after

publication. They will have one year to update the program if it only requires changes to the regulations. If it requires legislative change then it will be 2 years.

Royan and Randy will be doing a presentation to the legislature today to inform them of what the rule means for Missouri. Randy felt that we would only need to do the regulatory process. Setting up a workshop is being discussed.

(While working on technical difficulties, the meeting proceeded with other topics.)

## **Other**

Status of 319 Proposals - Becky mentioned that the 319 Review Committee had their review meeting and ranked the projects. Their recommendation will go before the Clean Water Commission at the Federal meeting. The funding amount will not be known until EPA has a budget.

401 Program Status - Becky mentioned that on January 2, 2003, the Governor announced the withholdings for FY03 and eliminated the water quality certification program, which are 3 positions within DNR. In discussions with EPA, they are going to fund these positions until June 30, 2003. Unless there is another plan, those positions will be eliminated for FY 2004. The fee being charged for a water quality certification isn't enough to cover expenses.

The Clean Water Commission meeting is January 29. There will be a hearing on the SRF Intended Use Plan.

303(d) List – Becky said we haven't heard from EPA. There was a conference call with WPCP, the Clean Water Commissioners and EPA last week. EPA indicated that the list would be put on public notice within 30 days from January 15. The thought is that the Category 2 waters would be placed back on the list.

## **Agency Activities**

Vicky Kugler mentioned they were planning to do a presentation on EAO's Erosion Control training to the Clean Water Commission, probably not at the January meeting though.

Bob Ball said that NRCS will be doing a re-write on the EQIP final rule. They are getting involved with competitive outsourcing. A technical service provider may start doing some of their trainings.

Carrie Schulte said that SRF gets federal funding for infrastructure construction. The Intended Use Plan (IUP) tells how the money will be spent.

Priscilla Stotts brought copies of training schedule for the Introductory Volunteer Water Quality Monitoring trainings. The schedule is on the web at [www.mostreamteam.org](http://www.mostreamteam.org). They are hoping more landowners will attend. The first workshop will be held on March 28 in Kansas City. Priscilla said she is still sharing information on streams if anyone has a stream they were interested in, she could check for a Stream Team in that area.

Donna Menown said that the Level I monitoring training schedule is also on the Stream Team web site.

Bob Broz mentioned that a workshop on On-Site Sewage will be held in Hannibal on January 28. This is for real estate professionals and installers. On February 25 a similar class will be held in McDonald County. This is part of the 319 grant effort. April 15-17 will be the NPS Water Quality Short Course IF they receive enough registrations. The fee is \$30. Due to fiscal problems, there is question of whether this course will take place. Be sure to get your registration in soon. A decision will be made in early February.

Bob Ball mentioned that an area-wide watershed management plan course is scheduled for March 18-21 in Columbia. It is really geared toward NRCS but let Bob know if you are interested in attending. There is no fee.

Sharon Clifford reminded the group of the Missouri Natural Resources Conference at Tan-Tar-A, January 29-31. On January 30 at 1:00 will be the TMDL panel discussion with Chuck Sutfin from EPA.

(Due to continued technical difficulties, the remaining agenda topics were postponed to the February 18 meeting in Columbia.)

The TMDL Policy Advisory Committee meeting is scheduled for this afternoon.

### **Meetings & Conferences**

Feb.	5-6	Show-Me Ag Classic, Columbia; contact Erin Luebbering, (573) 636-6130
	18	Water Quality Coordinating Committee meeting, USGS Conference Bldg., Columbia
	26	Missouri Clean Water Commission meeting, Capitol Plaza, Jefferson City
April	15-17	Water Quality Short Course, Columbia
June	1-4	7 <sup>th</sup> Annual Missouri River Natural Resources Conference (Jeanne Heuser, USGS)